

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

IN RE:

HELEN RUTH HUFFMAN

CASE NO: 09-70070-HDH-13

HEARING DATE: 11/18/2009

HEARING TIME: 11:00 AM

**TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND  
PLAN MODIFICATION (if required)**

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Proposed Trustee's Recommendation Concerning Claims and Plan Modification (if required) in accordance with Bankruptcy Rule 3007 and General Order 2006-08 and would respectively show unto to the Court as follows:

**I.**

**OBJECTION -- NO PROOF OF CLAIM FILED**

The following creditors were scheduled by the Debtor(s). No Proof of Claim has been filed by them or on their behalf, as required by Bankruptcy Rule 3002(a). The bar date for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. Therefore the claims should be DISALLOWED.

Trustee Clm#	Creditor Name	Scheduled Amount	Trustee Clm#	Creditor Name	Scheduled Amount
012 0 U	DIVERSIFIED ADJUSTMENTS	\$267.00	016 0 U	SURGICAL CARE AFFILIATES	\$88.94

**II.**

**SPECIFIC OBJECTIONS**

No Objections

**III.**

**TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS**

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount and in the class as listed below.

Trustee Claim #	Creditor	Collateral / Description	Claim Amount	Value	%	Term	Paid / Treated
<b><u>SECURED CREDITORS</u></b>							
007 0 *	CAPITAL ONE AUTO FINANCE	05 CHEVY COBALT	\$9,692.93	\$7,800.00	10.00%	36	\$324.75 PAID BY TRUSTEE
	Extended term from 30 to 36 months to prevent increase to debtor's plan payment. See modification below.						
008 0	BURKBURNETT ISD	09 PROPERTY TAXES - HOMESTEAD	\$562.00	\$10,916.80			PD DIRECT BY DEBTOR
009 0	DAVID G NEWTON	HOMESTEAD	\$0.00	\$42,844.00			PD DIRECT BY DEBTOR
023 0 *	WICHITA COUNTY	09 PROPERTY TAXES	\$431.00	\$10,916.80			PD DIRECT BY DEBTOR
	Not provided for in confirmed plan. See modification below.						

**UNSECURED GENERAL CREDITORS**

Trustee Clm#	Creditor Name	Claim Amount	Trustee Clm#	Creditor Name	Claim Amount
007 1 U	CAPITAL ONE AUTO FINANCE	\$1,892.93	010 0 U	PRA RECEIVABLES MANAGEMENT	\$1,067.40
	SPLIT CLAIM/05 CHEVY COBALT			PURCHASES/CITIBANK	
011 0 U	CITIBANK SOUTH DAKOTA NA	\$11,879.97	014 0 U	ROUNDUP FUNDING LLC	\$585.02
	PURCHASES			PURCHASES/JC PENNEY	
015 0 U	SALLIE MAE ECFC	\$23,840.29	017 0 U	PRA RECEIVABLES MANAGEMENT	\$5,661.09
	STUDENT LOAN			PURCHASES/WASHINGTON MUT	

If the Trustee's recommendation concerning any claim differs from the amount indicated in a creditor's Proof of Claim, the recommendation is deemed an objection to such claim. Unless a timely reponse or objection is filed contesting the Trustee's recommendation, the objection will be sustained and such claim will be allowed

Any proposed changes by the Debtor that extends the term or lowers the interest rate as to any secured claim contained in the confirmed Plan must be set out in a Debtor's Objection or Response to the Trustee's Recommendation Concerning Claims and noticed to the affected creditor in the absence of a letter agreement between the Debtor and the affected creditor.

**IV.**

**TRUSTEE'S PLAN MODIFICATION**

Pursuant to 11 U.S.C. Section 1329, and in accordance with General Order 2006-08 Section 8, the Trustee requests the following Modification of Debtor's(s') Confirmed Plan, subject to feasibility herein:

Trustee's Modification is as follows:

The secured claim filed by Wichita County in the amount of \$431 shall be valued at \$10,916.80 and paid direct.

All creditors shall be treated over a 36 month term.

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

IF AN OBJECTION IS FILED, A HEARING WILL BE HELD 11/18/2009 AT 11:00 AM CONCERNING THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION (IF REQUIRED) (TRCC) AT THE FOLLOWING LOCATION:

VIDEO: US COURTHOUSE ROOM 208, 10TH & LAMAR STREETS, WICHITA FALLS, TEXAS 76301

A PRE-HEARING CONFERENCE WITH THE TRUSTEE SHALL BE HELD AT THE SAME LOCATION AT 08:30 AM. ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE. ANY OBJECTIONS TO THE PLEADINGS NOT RESOLVED OR DEFAULTED AT THE PRE-HEARING CONFERENCE WILL BE HEARD BY THE COURT AT THE HEARING DATE AND TIME ABOVE. TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, SERVED ON ALL EFFECTED CREDITORS AND FILED WITH THE COURT WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE.

PURSUANT TO GENERAL ORDER 2006-08 SECTION 8(C), UNLESS AN OBJECTION IS TIMELY FILED AS TO THE TREATMENT OF ANY CLAIM OR MODIFICATION, THE CLAIM OR MODIFICATION WILL BE ALLOWED OR APPROVED AS DESCRIBED IN THE TRCC AND SUCH TREATMENT WILL BE FINAL AND BINDING ON ALL PARTIES.

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

I hereby certify that a copy of the foregoing Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) and Notice of Hearing and Pre-Hearing Conference on Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

Date: 10/1/2009

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

ASCENSION CAPITAL GROUP ATTN CAPITAL ONE DEPT PO BOX 201347 ARLINGTON TX 76006  
BURKBURNETT ISD PO BOX 608 BURKBURNETT TX 76354  
CAPITAL ONE AUTO FINANCE 3901 N DALLAS PKWY PLANO TX 75093  
CAPITAL ONE AUTO FINANCE C/O ASCENSION CAPITAL GROUP PO BOX 201347 ARLINGTON TX 76006  
CAPITAL ONE AUTO FINANCE PO BOX 201347 ARLINGTON TX 76006  
CHASE BANK USA PO BOX 15145 WILMINGTON DE 19850  
CITI ATTN CENTRALIZED BANKRUPTCY PO BOX 20507 KANSAS CITY MO 64195  
CITIBANK NA 1000 TECHNOLOGY DR #MS5 O FALLON MO 63368  
CITIBANK SOUTH DAKOTA NA 1000 TECHNOLOGY DR MS 504 O'FALLON MO 63304  
CITY OF BURKBURNETT C/O HARLOD LEREW PO BOX 8188 WICHITA FALLS TX 76307  
DAVID G NEWTON PO BOX 2328 WICHITA FALLS TX 76307  
DIVERSIFIED ADJUSTMENTS 600 COON RAPIDS BLVD NW COON RAPIDS MN 55433  
HELEN RUTH HUFFMAN 201 KIRK ST BURKBURNETT TX 76354  
INTERNAL REVENUE SERVICE PO BOX 21125 PHILADELPHIA PA 19114  
INTERNAL REVENUE SERVICE PO BOX 21126 PHILADELPHIA PA 19114  
INTERNAL REVENUE SERVICE SPECIAL PROCEDURES 1100 COMMERCE ST MC 5027DAL DALLAS TX 75242  
JC PENNEY ATTENTION BANKRUPTCY DEPARTMENT PO BOX 103106 ROSWELL GA 30076  
JC PENNEY PO BOX 533 DALLAS TX 75221  
MONTE J WHITE ATTORNEY AT LAW 1106 BROOK AVE HAMILTON PLACE WICHITA FALLS TX 76301  
PRA RECEIVABLES MANAGEMENT PORTFOLIO REC ASSOC PO BOX 41067 NORFOLK VA 23541  
PRA RECEIVABLES MANAGEMENT PORTFOLIO RECOVERY ASSOC PO BOX 12914 NORFOLK VA 23541  
ROUNDUP FUNDING LLC PO BOX 91121 MS 550 SEATTLE WA 98111  
SALLIE MAE ECFC C/O SALLIE MAE INC 220 LASLEY AVE WILKES-BARRE PA 18706  
SALLIE MAE PO BOX 9500 WILKES-BARRE PA 18773  
SURGICAL CARE AFFILIATES PO BOX 713150 SANTEE CA 92072  
US ATTORNEY ATTORNEY IN CHARGE 1100 COMMERCE 3RD FLOOR DALLAS TX 75242  
US ATTORNEY GENERAL 10TH ST & CONSTITUTION AVE WASHINGTON DC 20530  
WASHINGTON MUTUAL PROVIDIAN ATTN BANKRUPTCY DEPT PO BOX 10467 GREENVILLE SC 29603  
WICHITA COUNTY PO BOX 1471 WICHITA FALLS TX 76307  
WILLIAM T NEARY UNITED STATES TRUSTEE 1100 COMMERCE STREET RM 976 DALLAS TX 75242